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ABSTRACT

Presented are texts of Ohio state laws regarding the provision and funding of special educational programs, school attendance, and related issues. Laws regarding special educational programs deal with such topics as classes and training of teachers for the handicapped, inspection of classes, programs for the gifted, definition of handicapped persons, home instruction, qualifications of special education teachers, teaching systems in schools for the deaf, tuition and transportation for special instruction, payment for boarding expenses, powers and duties of the County Children Services Board, and use of federal funds in providing transportation services. Included are laws concerning the administration of funds, calculation of payments to districts, certification of average daily membership, calculation of approved classroom units, determination of transportation costs, distribution of payments for educational programs and special circumstances, educational grants to parents of pupils attending nonpublic schools, tuition for nonresident pupils, certification of County Board of Education Annual Budget, and salary schedules for teachers. Laws on attendance treat such issues as suspension or expulsion, and compulsory school age. Also presented are related laws on such topics as schools for tubercular persons, educational aides, return of pupils to parents, and duties of the County Board of Mental Retardation. (GW)

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OHIO LAWS FOR SPECIAL EDUCATION

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STATE DEPARTMENT OF EDUCATION
COLUMBUS, OHIO
MAY 1972

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OHIO LAWS

FOR SPECIAL EDUCATION

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FOREWORD

This handbook of the **Ohio Laws for Special Education** has been revised and published for a more convenient reference to laws pertaining to the area of handicapped children as related to special education in Ohio. All but two references have been taken from Chapter 33 of the Revised Code entitled **Education-Libraries.**

The publication has been divided into four parts along with a Table of Contents listed under the following headings: **I Special Education Programs, II School Foundation Program, III Attendance, and IV Related Laws.**

Other publications from the Division of Special Education that may be helpful are:

—State Board of Education Program Standards for Special Education Units, Individual Instruction Services, Legal Dismissal from School Attendance, and Transportation of Physically and Other Handicapped Children

—Ohio School Attendance Handbook

Additional information can be obtained by contacting the Division of Special Education.

It is hoped that this publication will be a ready reference to the legal framework for special education programs in Ohio.

S. J. Bonham, Jr., Director
DIVISION OF SPECIAL EDUCATION

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PART I

SPECIAL EDUCATION PROGRAMS

Section 3323.01 CLASSES AND TRAINING OF TEACHERS FOR THE HANDICAPPED

The state board of education may grant permission to any board of education to establish and maintain classes for the instruction of deaf or blind persons over the age of three, and physically, emotionally, or mentally handicapped persons over the age of five; and to establish and maintain child study, counseling, adjustment, and special instructional services, including home instruction, for persons over the age of five whose learning is retarded, interrupted, or impaired by physical, emotional, or mental handicaps. The state board of education may, by written agreement with the board of trustees of any college or university, arrange with the teacher education department of such college or university for the classroom and in-service training of teachers for handicapped children.

Section 3323.011 COMPREHENSIVE PLAN FOR SPECIAL EDUCATION

Approval of state funds for the operation of programs and services provided pursuant to section 3323.01 of the Revised Code shall be contingent upon a comprehensive plan for special education approved by the state board of education no later than July 1, 1973. The state board of education shall not approve a school district's plan unless the plan proposed meets the educational needs of handicapped children in that school district and other school districts in the same general area.

Each school district shall submit such a plan to the state board of education by December 1, 1972. Such a plan shall contain:

(A) Provision for an organizational structure and necessary staffing for the identification and placement of handicapped children in appropriate programs;

(B) Provision for an organizational structure for the necessary supervision and staffing of programs and services for handicapped children.

(C) Provision for the necessary programs and services needed to meet the educational needs of every handicapped child in the school district in accordance with program standards and eligibility criteria established by the state board of education.

In approving the organization of special education, the state board of education shall provide that no school district be excluded

from the state-wide plan. A school district having a plan providing for a cooperative arrangement with one or more other school districts to provide classes or other suitable programs of instruction or training for all physically, emotionally, or mentally handicapped children who are residents of such school district, or which contracts with another school district for such classes, and which meets the standards established by the state board of education pursuant to section 3323.02 of the Revised Code, is in compliance with this section.

The state board of education shall submit an interim report no later than February 1, 1973, to the chairman of the house and senate committees on education which shall contain the board's preliminary recommendations for implementing the comprehensive plan. The report shall include but shall not be limited to the following items: An analysis of the kinds and extent of special education services to be provided through the comprehensive plan, cost projections for implementing the plan, and an analysis of the availability of qualified personnel to implement the plan. The chancellor of the Ohio board of regents shall provide to the state board of education, upon request, any information which the board deems is required to analyze the availability of personnel.

Section 3323.02 **INSPECTION OF CLASSES; STANDARD REQUIREMENTS; PROGRAMS FOR GIFTED CHILDREN**

The state board of education shall select competent persons to inspect at least once a year all classes and to direct and supervise such other services established under section 3323.01 of the Revised Code, and to report concerning the instruction in such classes, the conditions under which they are maintained, the conditions under which any persons enrolled in such classes are boarded, and the extent and nature of all other services related to education affecting physically, emotionally, or mentally handicapped persons.

The state board of education shall prescribe standard requirements for day schools for the physically, emotionally, or mentally handicapped, and for other instruction and services for all types of handicapped persons included under section 3323.01 of the Revised Code, and for which persons any school district is entitled to state reimbursement or aid. Such requirements shall include the conditions under which such schools are conducted, or services are rendered, the methods of instruction, child study, counseling, adjustment, and supervision, the qualifications of teachers and the personnel in charge of child study and counseling, the conditions and terms under which they are employed, the special equipment

and agencies for instruction provided, and the conditions of the rooms and buildings in which the schools are held. For the purpose of encouraging the development of special programs of education for academically gifted children the state board of education shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The state board of education may provide financial assistance out of any funds appropriated for this purpose to boards of education for developing and conducting experimental programs of education for academically gifted children.

Section 3323.03 **DEFINITION OF HANDICAPPED**

Any person of sound mind who, by reason of defective hearing or vision or by reason of being so crippled as to be physically unable to properly care for himself without assistance, cannot properly be educated in the public schools as other children, shall be considered deaf, blind, or crippled within the meaning of sections 3323.01 and 3323.08 of the Revised Code. Persons with partial hearing or partial vision may also be instructed under such sections and under section 3323.02 of the Revised Code.

Section 3323.04 **ESTABLISHMENT PROPOSED BY PETITION**

Upon petition by the parents or guardians of eight crippled children, or eight educable mentally retarded children, in any school district, of the age named in section 3323.01 of the Revised Code, the board of education of such district shall apply to the state board of education for permission to establish a special class for such children, and if such is granted shall establish such class not later than the beginning of the following school year, upon standards prescribed under section 3323.02 of the Revised Code. If a board fails to perform its duty under this section, section 3313.85 of the Revised Code applies.

Section 3323.05 **HOME INSTRUCTION OF CHILD**

In case there are in any school district physically or emotionally handicapped children not able even with the help of transportation to be assembled in a school, and instruction for these children is provided in the home, these children shall be counted under section 3323.08 of the Revised Code, counting, however, five hours of instruction of such children by a teacher provided by the board of education as equal to the attendance of one child for five days at school. Upon direction of the state board of education a board of education shall arrange for the home teaching of any such physically or emotionally handicapped children.

Section 3323.06 **QUALIFICATIONS OF SPECIAL TEACHERS: TEACHING SYSTEM IN SCHOOLS FOR THE DEAF**

Teachers in home instruction and special classes shall be appointed as are other public school teachers. They shall possess the usual qualifications required of teachers in the public schools, and in addition thereto such special training and equipment as the state board of education or the board of education requires. The so-called oral system shall be taught by teachers in schools for the deaf. If, after a fair trial of nine months, any children in any school for the deaf are unable to learn such method, they may be taught the manual method in a separate school.

Section 3323.10 **TUITION AND TRANSPORTATION FOR SPECIAL INSTRUCTION**

If a child who is a school resident of one school district attends in another district, a class in which some special instruction needed by the child because of his handicap is provided, the board of education of the district in which such class is located may require the payment by the board of education of the district in which he is a school resident of a sum not to exceed the tuition in the district in which such class is located for a child of normal needs of the same school grade and the determination of the amount of such tuition shall be in the manner provided for by sections 3317.05 and 3317.08 of the Revised Code. The board of the district in which such child is a school resident may contract with the board of another district for the transportation of such child into any school in such other district, on terms agreed upon by such boards. Upon direction of the state board of education the board of the district in which such child resides shall pay for his transportation and the tuition.

Section 3323.11 **EXCESS COST FOR SPECIAL INSTRUCTION OUTSIDE DISTRICT**

Where a child who is a school resident of one district attends in another district, a class in which some special instruction needed by the child because of his handicap is provided and the per capita cost of such instruction exceeds the sum of the per capita amount received by the district of attendance under Chapter 3317. of the Revised Code, and the per capita amount received from the state board of education, then the board of education of the district in which such child is a legal school resident shall pay directly to the board of the school district that is providing the instruction such excess cost as is determined by using the formula approved

by the department of education agreed upon in contracts entered into by the board of the district concerned at the time the district operating the special class accepts the child for enrollment in the special class. The department of education shall certify the amount of the payments under chapter 3317. of the Revised Code for such handicapped pupils for each school year ending on the thirtieth day of July.

Section 3323.12 **PAYMENT FOR BOARDING EXPENSES**

The state board of education may arrange with any board of education which maintains a class for the instruction of blind, deaf, or crippled persons, or affords special instruction for such children who are not school residents of the district, to pay for the board of any such persons under such standards and with such restrictions as the state board of education prescribed.

Section 5153.16 **POWERS AND DUTIES OF COUNTY CHILDREN SERVICES BOARD**

The county children services board shall, subject to the rules, regulations, and standards of the department of public welfare, have the following powers and duties on behalf of children in the county deemed by the board or department to be in need of public care or protective services;

(H) To find foster homes, within or outside the county, for the care of children, including handicapped children from other counties attending special schools in the county.

Section 3327.01 **TRANSPORTATION OF PUPILS; EXCESS COST FROM FEDERAL FUNDS**

In all city, exempted village, and local school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school from which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and to which they are assigned by the board of education of the district of residence or to and from the nonpublic school which they attend the board of education shall provide transportation for such pupils to and from such school except when, in the judgment of such board, confirmed by the state board of education, such transportation is unnecessary or unreasonable.

In all city, exempted village, and local school districts the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic high school which they

attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.

In determining the necessity for transportation, availability of facilities and distance to the school shall be considered.

A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the collection point as designated by the coordinator of school transportation, appointed under section 3327.011 of the Revised Code, for the attendance area of the district of residence.

Where it is impractical to transport a pupil by school conveyance, a board of education, may, in lieu of providing such transportation, pay a parent, guardian, or other person in charge of such child, an amount per pupil which shall in no event exceed the average transportation cost per pupil, such average cost to be based on the cost of transportation of children by all boards of education in this state during the next preceding year.

In all city, exempted village, and local school districts the board shall provide transportation for all children who are so crippled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts the board shall provide transportation to and from school or special education classes for educable mentally retarded children in accordance with standards adopted by the state board of education.

When transportation of pupils is provided the conveyance shall be run on a time schedule that shall be adopted and put in force by the board not later than ten days after the beginning of the school term.

The cost of any transportation service, authorized by this section shall be paid first out of federal funds, if any, available for the purpose of pupil transportation, and secondly out of state appropriations, in accordance with regulations adopted by the state board of education.

No transportation of any pupils shall be provided by any board of education to or from any school which in the selection of pupils, faculty members, or employees, practices discrimination against any person on the grounds of race, color, religion, or national origin.

PART II

SCHOOL FOUNDATION PROGRAM

Section 3317.01 ADMINISTRATION OF FUNDS; QUALIFICATIONS TO RECEIVE PAYMENTS

Chapter 3317. of the Revised Code shall be administered by the state board of education, with the approval of the controlling board. The Superintendent of public instruction shall calculate the amounts payable to each district and shall certify the amounts payable to each eligible district to the clerk of the district as provided by this chapter.

There shall be appropriated to the state board of education by the general assembly out of any moneys in the state treasury to the credit of the general revenue fund sufficient moneys to meet the financial obligations of this chapter except that sufficient moneys to meet the financial obligations of section 3301.17 of the Revised Code shall be appropriated from funds available to the state from the United States or an agency or department thereof for a driver education course of instruction and from the driver education fund established in section 4501.07 of the Revised Code.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed monthly to each city, exempted village, local, and joint vocational education school district unless otherwise provided for. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each city, exempted village, local, and joint vocational school district.

The amounts paid each month shall constitute, as nearly as possible, one-twelfth of the total amount payable for the entire year. Payments made during the first six months of the fiscal year may be based on an estimate of the amounts payable for the entire year. Payments made in the last six months shall be based on the final calculation of the amounts payable to each school district for that fiscal year. Payments made in the last six months may be adjusted, if necessary, to correct the amounts distributed in the first six months, and to reflect enrollment increases when such are at least three per cent and amount to one or more additional approved classroom units as determined pursuant to section 3317.05 of the Revised Code. The payments authorized by this chapter shall be made only to those school districts in which:

(A) Beginning June 30, 1973 the district has the authority

to levy in calendar year 1974, and has in each year thereafter, a current tax levy for school operations of at least twenty mills, except that this requirement shall be waived by the superintendent of public instruction for one year if the district has had its total millage reduced below such amount by action of the county budget commission, board of tax appeals, or county auditor. Levies for joint vocational school districts, limited to or to the extent apportioned to current expenses, may be included in this qualification requirement.

(B) The school year, trimester, quarter, or pentamester next preceding the fiscal year for which such payments are authorized meets the minimum requirements of section 3313.48, 3313.481, 3313.482, or 3313.484 of the Revised Code, except that this requirement shall be waived by the superintendent of public instruction if it had been necessary for a school to be closed because of disease epidemic, hazardous weather conditions, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, provided the number of days the school was actually open for instruction with pupils in attendance is not less than one hundred seventy-five, or for those districts operating on a trimester plan not less than seventy-nine days in any trimester, for those districts operating on a quarterly plan not less than fifty-nine days in any quarter, or for those districts operating on a pentamester plan, not less than forty-four days in any pentamester.

(C) The district has on file, and is paying in accordance with a teachers' salary schedule which complies with section 3317.13 of the Revised Code.

(D) The district paid to the department of education on or before the last Friday in June, an amount equal to the amount by which its total school foundation payments were increased for that fiscal year by virtue of any adjustment in its tax duplicate for that year under division (B) of section 3317.10 of the Revised Code. No payment shall be required under this division except from taxes, interest, or penalties thereon or the proceeds from the sale of delinquent lands or other payments received in payment for taxes on any property in any year for which a reduction was made under division (B) of section 3317.10 of the Revised Code. No payment shall be made to the state under this division of any taxes, delinquencies, penalties, interest, or of any portion of the proceeds of any sale of delinquent lands which are required to be used or paid in conjunction with any obligation incurred under chapter 134, of the Revised Code.

Unless otherwise specified, "school district", for purposes of this chapter means city, exempted village, and local school district.

A city, local, exempted village, joint vocational, or county school district, the board of education of which has not conformed with the law and the rules and regulations pursuant thereto, shall not participate in the distribution of funds authorized by section 3317.02 of the Revised Code, except for good and sufficient reason established to the satisfaction of the state board of education and the state controlling board.

Section 3317.011 **CERTIFICATION AND PAYMENT OF MONEYS**

(A) On or before the third Wednesday of each month, the department of education shall certify to the Auditor of State, for each county:

(1) The allocation of money under divisions (A), (B), and (C) of section 3317.02 of the Revised Code that is required to be paid to each school district located wholly within the county in that month in accordance with section 3317.01 of the Revised Code:

(2) If the district is located in more than one county, an apportionment of the amount which would otherwise be certified under division (A) (1) of this section, the amount apportioned to the county shall be equal to the amount which would otherwise be certified under division (A) (1) of this section times the percentage of the district's resident pupils residing both in the district and in the county.

(B) Upon receipt of the certification required by division (A) of this section, the Auditor of State shall draw a voucher and warrant on the general revenue fund payable to each county's undivided income tax fund. The warrant shall be for the sum of the amounts certified for the county under division (A) of this section. The Auditor of State shall transmit a copy of the certifications made under Division (A) of this section with the warrant. Upon receipt of the payment from the Auditor of State, the county auditor shall pay to each school district in the county the amount certified for that school district under division (A) (1) or (A) (2) of this section.

Section 3317.02 **CALCULATION OF PAYMENTS TO DISTRICTS**

Payments to school districts shall be as provided in this section and in sections 3317.04 and 3317.06 of the Revised Code.

Out of the moneys appropriated by the general assembly for distribution pursuant to Chapter 3317. of the Revised Code for each fiscal year, each eligible school district shall be allocated the

amount of money derived from the calculation in either division (A) or (B) following, whichever is greater, plus the amount in division (C) and (D).

(A) The amount derived by the following calculation of a basic program calculations:

(1) Multiply the kindergarten average daily membership by three hundred dollars. The average daily membership shall not include any pupils counted in division (C) of this section.

(2) Add the product obtained by multiplying the average daily membership in grades one to twelve, inclusive, including twenty-five per cent of the pupils residing in the district and attending a joint vocational school by six hundred dollars. The average daily membership used to make this calculation shall not include any pupils counted in division (C) of this section.

(3) **For each approved unit for child study, occupational or physical therapy, speech and hearing, special education coordinators, add an amount derived from the minimum salary schedule in section 3317.13 of the Revised Code based upon the teacher's training level and years of experience, plus fifteen per cent of such allowance, plus six hundred dollars:**

(4) **Under regulations approved by the state board of education, add an additional salary allowance proportional to the length of the extended term of service for each certificated employee whose term of service in any year is extended beyond the terms of service of regular classroom teachers, provided the total distribution of funds by the state board of education for this purpose shall not exceed the amount included in said board's estimate of such school foundation program costs and appropriated thereto by the general assembly, or as approved by the state controlling board or the state emergency board;**

(5) If a district employs fewer than thirty-five full time equivalent classroom teachers for each one thousand pupils in average daily membership, a deduction shall be made as follows:

(a) Divide the number of the districts full-time equivalent classroom teachers by thirty-five one thousandths:

(b) Subtract from the districts average daily membership the quotient thus obtained;

(c) Multiply the difference thus obtained by six hundred dollars.

(6) Add the result obtained by multiplying the number of full-time equivalent classroom teachers in each training and experience level contained in section 3317.13 of the Revised Code by:

(a) The mean annual salary of all full-time equivalent classroom teachers employed by the district at that training and experience level minus;

(b) The mean salary of all such teachers at that level in all school districts receiving payments under this section.

The number of full-time equivalent teachers used in this calculation shall not exceed thirty-five one thousandths times the district's average daily membership. In calculating the district's mean salary under this division, those full-time equivalent classroom teachers with the highest training level shall be counted first, those with the next highest training level second, and so on, in descending order, within the respective training levels. Teachers with the highest years of service shall be counted first, the next highest years of service second, and so on, in descending order.

For the purposes of these calculations, "Classroom Teacher" means a certificated employee who provides direct instruction to pupils, excluding those classroom teachers funded under division (F) of section 3317.06 of the Revised Code or from federal sources. "Annual Salary" means the annual base salary stated in the state minimum salary schedule for the performance of the teacher's regular teaching duties which the teacher earns for services rendered for the week which includes the first day of October of the fiscal year for which the payment is made under this division. It shall not include any salary payments for supplemental teachers contracts.

(7) If a school district does not employ full-time equivalent educational service personnel equal in number to five per cent of the full-time equivalent classroom teachers employed by the district, not to exceed thirty-five classroom teachers per one thousand pupils, on the first day of October of the fiscal year for which the payment is made under this division, a deduction shall be made as follows:

(a) Divide the number of the district's full-time equivalent education service personnel employed on such date by one

hundred seventy-five one hundred thousandths:

(b) Subtract from the district's average daily membership the quotient thus obtained:

(c) Multiply the difference thus obtained by thirty-two dollars. For purposes of this determination and calculation, "Educational Service Personnel" includes counselors, librarians, visiting teachers, and school nurses who are teacher personnel properly certified for such postions, the employment distribution of who is approved by the state department of education.

(8) Subtract an amount equal to twenty-two and one-half mills multiplied by the total value of the district's tax duplicate.

(B) The amount derived by multiplying the appropriate amount from the following table by the sum of the average daily membership used in making the calculations in divisions (A) (1) and (2) of this section minus one-half the average daily membership in division (A) (1). Valuation per pupil, for the purpose of making such calculations, is the value of the tax duplicate used in division (A) (8) of this section divided by the sum of the average daily membership calculated in divisions (A) (1) and (A) (2) minus one-half of the average daily membership in division (A) (1) of this section.

Valuation per pupil	Amount per pupil
Under $20,000	$179.00
$20,000-20,999	171.00
21,000-21,999	163.00
22,000-22,999	155.00
23,000-23,999	147.00
24,000-24,999	139.00
25,000-25,999	131.00
26,000-26,999	123.00
27,000-27,999	115.00
28,000-28,999	107.00
29,000-29,999	99.00
30,000-30,999	91.00
31,000-31,999	83.00
32,000 and over	75.00

(C) For special needs programs and transportation calculate the sum of the following:

(1) The total approved transportation operating costs allocated to such district under section 3317.051 of the Revised Code.

(2) For each teacher of an approved vocational unit in the

district, the minimum salary calculated pursuant to section 3317.13 of the Revised Code, plus fifteen per cent of such allowance, plus four thousand dollars, for pupils enrolled in approved vocational classes in licensed proprietary schools pursuant to sections 3313.90, 3317.03, and 3319.91 of the Revised Code, a payment shall be made to each eligible school district for each full-time equivalent pupil in an amount equal to the average payment for all full-time equivalent pupils in the state for the previous year as determined by the superintendent of public instruction.

(3) **For each teacher of an approved unit for a deaf, blind, emotionally disturbed, crippled, neurologically handicapped, or educable mentally retarded class in the district, an amount derived from the minimum salary schedule in section 3317.13 of the Revised Code, plus fifteen per cent of such allowance, plus four thousand dollars.**

(4) For each district enrolling at least seventy thousand pupils and which has had certified under section 3317.10 of the Revised Code a number of persons in the district who receive aid to dependent children equal to twenty per cent of the district's average daily membership, twenty-five dollars times the average daily membership of the district as certified under section 3317.03 of the Revised Code. For all other districts enrolling at least twenty thousand pupils which has at least fifty per cent of its pupils classified as educationally disadvantaged pursuant to rules adopted by the state board of education twenty dollars times the average daily membership of the district as certified under section 3317.03 of the Revised Code.

(D) In addition to the payments to school districts pursuant to divisions (A) to (C), inclusive of this section, there shall be paid periodically as determined by the state board of education to each school district an amount for each pupil attending a chartered nonpublic elementary or high school within the district equal to the amount appropriated for the implementation of section 3317.062 of the Revised Code divided by the average daily membership in grades one to twelve, inclusive, in non-public elementary and high schools within the state as determined during the first full week in October of each school year.

All funds allocated to school districts under this section except funds allocated under division (D), shall be used to pay current operating expenses only.

Section 3317.03 **CERTIFICATION OF AVERAGE DAILY MEMBERSHIP**

The superintendent of schools in each county, city and exempted village school district shall, for the schools under his supervision, certify to the state board of education on or before the fifteenth day of October in each year the total average daily membership in regular day classes for the first full school week in the month of October for kindergarten; grades one through six; grades seven through twelve in each school under his supervision; the average daily membership based upon full-time equivalence in approved vocational units and in joint vocational school districts; **average daily membership of all deaf, blind, emotionally disturbed, neurologically handicapped, and crippled children in classes approved annually by the state board of education; and the average daily membership in approved educable mentally retarded units.**

The average daily membership in vocational units, in approved classes in licensed proprietary schools, and in joint vocational districts shall be based upon the number of full-time equivalent students in attendance in such units and districts. The state board of education shall adopt rules and regulations defining full-time equivalent students and for determining the average daily membership therefrom, the average daily membership of pupils enrolled in approved vocational classes in licensed proprietary schools may be counted, pursuant to section 3313.90 of the Revised Code, only where standards as to facilities and staffing are comparable, as determined by the superintendent of public instruction, to those established by the state board of education for public schools. No child shall be counted more than once in the average daily membership of a school district. The superintendent of each joint vocational school district shall similarly certify to the superintendent of public instruction the average daily membership for all classes in the joint vocational school, also indicating the school district of residence for each pupil.

The superintendent of schools of each county, city, or exempted village school district operating on a trimester plan, on a quarterly plan, or on a pentamester plan, shall estimate the number of students for kindergarten; grades one through six; grades seven through twelve in each school under his supervision; the average daily membership based upon full-time equivalency in approved vocational units and in joint vocational school districts; **the average daily membership of all deaf, blind, emotionally disturbed, neurologically handicapped, and crippled children in classes approved annually by the state board of education; and the average**

daily membership in approved educable mentally retarded units under his supervision not actually enrolled in the first full week of October, but whose enrollment is anticipated in the next succeeding trimester, quarter, or pentamester, and shall certify this estimate to the state board of education in addition to the certification of total average daily membership of those students actually enrolled during the first full week in October. For the purposes of this report and for the purpose of the calculation of classroom units under section 3317.05 of the Revised Code the estimates so certified shall be interpreted as though the number of students contained therein were actually enrolled during the first full week of October. In no case shall such estimate exceed fifty per cent of the total average daily membership calculated on those students actually enrolled during the first week in October for districts operating on a trimester plan. In no case shall such estimate exceed thirty-three and one-third per cent of the total average daily membership calculated on those students actually enrolled during the first full week of October for districts operating on a quarterly plan. In no case shall such estimate exceed twenty-five per cent of the total average daily membership calculated on those students actually enrolled during the first week in October for districts operating on a pentamester plan. Within ten days after the conclusion of the third full week of the next succeeding trimester for those districts operating on a trimester plan or the next succeeding quarter for those districts operating on a quarterly plan, or the next succeeding pentamester for those districts operating on a pentamester plan, the superintendent of schools of such city, county, or exempted village school district shall certify to the state board of education the actual number of students for kindergarten; grades one through six; grades seven through twelve in each school under his supervision; the average daily membership based upon full-time equivalency in approved vocational units and in joint vocational school districts; **the average daily membership of all deaf, blind, emotionally disturbed, neurologically handicapped, and crippled children in classes approved annually by the state board of education; and the average daily membership in approved educable mentally retarded units under his supervision who were not actually enrolled during the first full week of October but who are enrolled in the third full week of the subsequent trimester, quarter, or pentamester.** The average daily membership figures so certified plus the average daily membership figures, calculated on those students actually enrolled during the first full week of October shall be considered as the total average daily membership figures for the district for the school year and the calculation of classroom

units under section 3317.05 of the Revised Code shall be adjusted accordingly.

In each school there shall be maintained a record of school membership which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purposes of determining average daily membership, the membership figure of any school shall not include any pupils except those who are school residents of the school district in which the school is located and those who are attending the school in the capacity of tuition pupils pursuant to section 3327.04 of the Revised Code. Part-time pupils may be included on a pro rata basis, as defined by the superintendent of public instruction, as regular day class students in average daily membership. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of his entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school he shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any pupil who has graduated from the twelfth grade of a public high school, any pupil who is not a resident of the state, or any pupil who has attained the age of twenty one years, except persons suffering from tuberculosis and receiving treatment in any approved state, county, district, or municipal tuberculosis hospital who have not graduated from the twelfth grade of a public high school, and veterans of the armed services, whose attendance was interrupted before completing the recognized twelve year course of the public schools, by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge. If any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, he shall not be included in such membership. For each school week, the aggregate days of membership for any school shall be determined by adding the total number of days of attendance for the days in session of all pupils lawfully in membership to the total number of days of absence for such pupils. The average daily membership figure shall then be determined by dividing the figure representing the aggregate days of membership by the number of days in session. For the purpose of this section, "number of days in session" is the total number of days the school was actually open for instruction.

If the total average daily membership in regular day classes

for the first full school week in February is at least three per cent greater than that certified for the first full school week in the preceding October, and such increase amounts to one or more additional approved classroom units as determined pursuant to section 3317.05 of the Revised Code, the superintendent of schools shall certify such increase to the superintendent of public instruction. Such certification shall be submitted no later than the fifteenth day of February. For the balance of the fiscal year, beginning with the February payments, the superintendent of public instruction shall use the increased membership in calculating or recalculating the amounts to be allocated in accordance with section 3317.02 of the Revised Code. In no event shall the superintendent use an increased membership certified to him after the fifteenth day of February.

Section 3317.04 **MINIMUM AMOUNT TO BE PAID TO SCHOOL DISTRICTS**

The amount paid to school districts in each fiscal year under Divisions (A) to (C) inclusive, of section 3317.02 of the Revised Code shall not be less than the following:

(A) In the case of a district created under secttion 3311.26 or 3311.37 of the Revised Code, the amount paid shall not be less, in any of the three succeeding fiscal years following the creation, than the sum of the amounts allocated under Chapter 3317. of the Revised Code to the districts separately in the year of the creation.

(B) In the case of a school district which is transferred to another school district or districts, pursuant to section 3311.22, 3311.231 or 3311.38 of the Revised Code, the amount paid to the district accepting the transferred territory shall not be less, in any of the three succeeding fiscal years following the transfer, than the sum of the amounts allocated to the districts separately in the year of the consummation of the transfer.

(C) In the case of any school district, the amount paid to the district in the fiscal year of distribution shall not be less than that paid in the preceding fiscal year, if in the calendar year ending the thirty-first day of December preceding the fiscal year of distribution, the county auditor completed reassessment of all real estate within his county and the revised valuations were entered on the tax list and duplicate. Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37, and 3311.38 of the Revised Code, this minimum guarantee is applicable only during the year immediately following the reassessment.

Notwithstanding sections 3311.22, 3311.231, 3311.26, 3311.37,

and 3311.38 of the Revised Code, the minimum guarantees prescribed by divisions (A) and (B) of this section shall not affect the amount of aid received by a school district for more than three consecutive years.

Section 3317.05 CALCULATION OF APPROVED CLASSROOM UNITS

For the purpose of calculating payments under sections 3317.02 and 3317.16 of the Revised Code the following shall be determined for each school district:

(A) The number of vocational education units or fraction thereof approved, annually by the state board of education on the basis of standards, rules, and regulations adopted by the board;

(B) The number of classes for deaf, blind, emotionally disturbed, crippled or neurologically handicapped children, or fraction thereof approved, annually by the state board of education on the basis of standards, rules, and regulations adopted by the board;

(C) The number of special education classes or fraction thereof including those for educable mentally retarded defined as children with an intelligence quotient of at least fifty and not more than eighty and for speech handicapped children approved annually by the state board of education on the basis of standards, rules, and regulations adopted by the board;

(D) The number of units for child study and occupational, physical, and speech and hearing therapy or fraction thereof approved annually by the state board of education on the basis of standards, rules, and regulations adopted by the board;

(E) The number of units for special education supervisors and special education coordinators approved annually by the state board of education on the basis of standards, rules, and regulations adopted by the board.

All of the arithmetical calculations made under this section shall be carried to the second decimal place. The total number of classroom units approved annually by the state board of education for vocational and special education shall not exceed the number of classroom units included in the state board of education's estimate of school foundation program cost and with appropriations thereto by the general assembly or as approved by the state controlling board or the state emergency board.

Section 3317.051 DETERMINATION OF TRANSPORTATION COSTS

The total amount of money approved for transportation operat-

ing costs for each school district, in which transportation of pupils is necessary, shall be determined on the basis of a formula adopted by the state board of education and in accordance with the rules and regulations prescribed by it to secure an efficient and economical program of pupil transportation. The number of pupils transported, the total number of miles traveled and other factors beyond the control of the board of education of each school district shall be considered in the formulation of such rules and regulations and in the adoption and application of such formula in determining the amount of money to be included for pupil transportation in each district as a part of Chapter 3317. of the Revised Code. All rules, regulations, and formulas adopted by the state board of education as prescribed by this section shall be submitted to and approved by the state controlling board before the computed amounts for school transportation are included in calculating the school foundation program for each district.

Section 3317.06 **DISTRIBUTION OF PAYMENTS FOR EDUCATIONAL PROGRAMS AND SPECIAL CIRCUMSTANCES; AUXILIARY SERVICES**

In addition to the moneys paid to eligible school districts pursuant to section 3317.02 of the Revised Code, there shall be distributed monthly, quarterly, or annually as may be determined by the state board of education, moneys, appropriated for Chapter 3317. of the Revised Code for the following education programs:

(A) **An amount for the approved cost of board and transportation required for physically or emotionally handicapped children attending regular or special education classes, the cost of teacher training contracted under section 3323.01 of the Revised Code, and the approved cost of home instruction for physically or emotionally handicapped children and special instructional services for physically or emotionally handicapped children. Such distribution shall be made on the basis of standards adopted by the state board of education.**

(B) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district to and each district with one-teacher or two-teacher elementary schools, and to each country board of education. Such amounts shall be determined on the basis of standards adopted by the state board of education.

(C) An amount to each school district operating classes for children of migrant workers who are unable to be in attendance in an Ohio school during the entire regular school year. Such amounts

shall be determined on the basis of standards adopted by the state board of education, except that payment shall be made only for subjects regularly offered by the school district providing the classes.

(D) An amount for each school district with guidance, testing, and counseling programs approved by the state board of education. The amount to be determined on the basis of standards adopted by the state board of education.

(E) An amount for the emergency purchase of school buses as provided for in section 3317.07 of the Revised Code.

(F) An amount for each eligible school district for the improvement of the educational and cultural status or disadvantaged pupils, to be determined by the state board of education, but not to exceed an annual amount equal to two hundred dollars times the number of children ages five to seventeen, inclusive, residing in the school district who were receiving aid to dependent children during the month of January preceding the start of the fiscal year. No school district shall receive funds pursuant to this division unless the state board of education has approved a program designed and submitted by the school district. No school district shall receive funds pursuant to this division unless the district includes fifty residents five to seventeen years of age inclusive, who are receiving aid to dependent children, or includes a number of such residents equal to five percent of the average daily membership of the school district as reported pursuant to section 3317.03 of the Revised Code, or both. The state board of education shall adopt rules and regulations implementing this subsidy.

(G) An amount for adult basic literacy education for each district participating in programs approved by the state board of education. The amount to be determined on the basis of standards adopted by the state board of education.

(H) An amount pursuant to section 3301.17 of the Revised Code for conducting driver education courses at high schools for which the state board of education prescribed minimum standards.

(I) **An amount of the approved cost of transporting educable mentally retarded pupils whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by the district. No district is eligible to receive a payment under this division for the cost of transporting any pupil whom it transports by regular school bus and for whom it receives a subsidy under section 3317.051 of the Revised Code. The state board of education shall establish standards and guide-**

lines for use by the department of education in determining approved cost of such transportation for each district.

(J) An amount to each school district pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children and an amount to assist needy school districts in purchasing necessary equipment for food preparation, such amounts shall be determined on the basis of standards adopted by the state board of education.

The state board of education or any other board of education may provide for any resident of a district any educational service for which funds are made available to such board of education by the United States under the authority of public law, whether such funds come directly or indirectly from the United States or any agency or department thereof or through the state of Ohio or any agency, department, or political subdivision thereof.

The emergency board, upon the declaration of an educational emergency by the governor, may upon application by the superintendent of public instruction authorize payments pursuant to section 127.01 to 127.05, inclusive, of the Revised Code to be made to any school district which has an unexpected increase in enrollment resulting from the destruction of or the necessary closing of a school because of fire, flood, or other calamity, or has a severe reduction in taxable valuation for school purposes. The superintendent of public instruction shall apply for funds for any school district requesting such aid upon receipt of written evidence from the school district of the enrollment increase along with an explanation of the school district or districts from which the increased enrollment has been received or of the tax revenue loss sustained by the school district, depending upon the circumstances for which aid is requested.

Funds distributed pursuant to any division of this section shall not exceed specific appropriations made therefor by the general assembly, unless expressly approved by the emergency board or the controlling board.

Section 3317.062 **EDUCATIONAL GRANTS TO PARENTS OF PUPILS ATTENDING NONPUBLIC SCHOOLS**

Moneys paid to school districts under division (D) of section 3317.02 of the Revised Code shall be used to provide educational grants to parents of pupils attending grades one to twelve, inclusive, in nonpublic schools within the school district, and to provide services and materials to pupils attending nonpublic schools within the school district for: guidance, testing, and counseling programs; **programs for the deaf, blind, emotionally disturbed;**

crippled, and physically handicapped children; audio-visual aids; **speech and hearing services**; remedial reading programs; educational television services; programs for the improvement of the educational and cultural status of disadvantaged pupils. Programs of educational grants shall be established to reimburse parents of non-public school children for a portion of the financial burden experienced by them in providing to their children at reduced cost to the taxpayer, educational opportunities equivalent to those available to public school pupils in the district, such parental financial grants shall be issued at the end of each semester to parents of nonpublic school pupils pursuant to parental applications filed with the local school districts which shall contain assurances that:

(1) Such parent has spent an amount equal to or in excess of the per-child grant for the purpose of providing educational opportunities to his child equivalent to those available to children in the public schools in the district;

(2) His child is enrolled in a chartered, tax-supported school or is receiving qualified instruction pursuant to division (A) (2) of section 3321.04 of the Revised Code;

(3) The school in which his child is enrolled meets the requirements of Title VI of the "Civil Rights Act of 1964," 78 Stat. 252, 42 U.S.C.A. 2000d;

(4) Such school does not discriminate in the admission of pupils or hiring of teachers on the basis of race, creed, color, or national origin;

(5) The applicant is a resident of the State of Ohio.

Applications of nonpublic school parents filed under this division shall be on forms approved by the department of education. Parental grants shall be ninety dollars per nonpublic school pupil during the school years 1971-1972 and 1972-1973, but grants shall not exceed forty percent of the cost of educating a public school pupil in the district. No payment shall be made under this section on behalf of any child to more than one parent. Parental grant applications shall be processed pursuant to guidelines of the department of education and shall be based on the actual months enrolled divided by the number of months scheduled each semester of the school year. For purposes of this calculation, a student enrolled for any part of a month shall be considered enrolled for the entire month, and a month in which at least one day of instruction is scheduled shall be counted as a full month of scheduled instruction.

As used in this section, "parent" includes a person standing in loco parentis to a child.

Notwithstanding sections 3317.01 and 3317.02 of the Revised Code, payments shall be made under this division to any city, local or exempted village school district within which is located one or more nonpublic elementary or high school.

The allocation of payments for parental grants and for materials and services to city, local, and exempted village school districts shall be made on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district.

Payments made to city, local, and exempted village school districts under this division shall be equal to specific appropriations made for the purpose.

Services, instructional materials, or programs provided pursuant to this division for pupils attending nonpublic schools shall not exceed in cost or quality such services, instructional materials, and programs as provided for pupils in the public schools of the district.

No school district shall provide services, materials, or programs for use in sectarian religious courses or devotional exercises. No educational materials provided shall be used in, especially suitable for use in, or selected for use in sectarian religious courses or devotional exercises.

Educational services, materials, and programs provided for the benefit of nonpublic school pupils under this division and the admission of pupils to such nonpublic school shall be provided without distinction as to the race, creed, color, or natural origin of such pupils or of their teachers. No services, materials, or programs shall be provided for pupils in nonpublic schools unless such services, materials, or programs are available for pupils in the public schools of the school district.

The state department of education shall adopt guidelines and procedures under which such programs and services shall be provided and under which districts shall be reimbursed for administrative costs incurred in providing such grants, services, and materials.

Funds distributed pursuant to this section shall not exceed specific appropriations made therefor by the general assembly, unless expressly approved by the emergency board or the controlling board.

Section 3317.08 **TUITION FOR NONRESIDENT PUPILS; RESIDING IN UNTAXABLE AREAS**

Pursuant to law, a pupil may attend school outside his district of school residence, and his board of education shall pay tuition

in an amount not more than that which shall be computed from the total expenditures for conducting the schools of the district attended after deducting the amounts expended for capital outlay; permanent improvements; debt service; transportation; operation of school lunch rooms; tuition to another school district; operation of kindergarten classes; operation of summer schools, part-time schools, and evening schools; and maintenance of playgrounds. The result so obtained shall represent the operating cost to be recognized in the calculation of tuition rates. To the operating cost thus determined, there may be added depreciation charges not to exceed three per cent per annum, based on the actual cost to the district, plus the amount of private donations or grants but less the amount of any federal grants, of all property exclusive of land used in conducting such school. From the operating cost plus the depreciation charge there shall be deducted the proceeds of all moneys apportioned to such district from state funds, exclusive of interest on the irreducible debt and income from school trust and land rental funds, and the remainder shall be divided by the number of pupils in average daily membership in grades one to twelve, inclusive, the average daily membership figures so used to be those certified pursuant to section 3317.03 of the Revised Code.

Attendance for any fractional part of a month shall be regarded as attendance for a full month, unless the annual session is terminated before the end of a full month.

The amount of tuition, computed as provided in this section, shall be certified by the clerk of the board of education of the district of attendnce, to the board of education of the district in which the pupil is a school resident for its approval and payment. In the event that agreement as to the amount payable cannot be reached, or the board of education of the resident district refuses to pay said amount, the board of education of the district of attendance shall notify the superintendent of public instruction. The superintendent shall determine the correct amount and shall deduct the same from the amount of state funds, if any, allocated under Chapter 3317. of the Revised Code, to the district of school residence and add the same to the amount allocated to the district attended. The superintendent of public instruction shall send to said district of school resident an itemized statement showing such deductions at the time of such deduction.

When a political subdivision owns and operates an airport, welfare or penal institution or other project or facility outside its corporate limits and the territory within which the facility is located is exempt from taxation by the school district within which

such territory is located, and there are school age children residing within such territory, the political subdivision owning such tax exempt territory shall pay tuition to the district in which such children attend school. The tuition for these children shall be computed as provided for in this section.

Section 3317.11 **CERTIFICATION OF COUNTY BOARD OF EDUCATION ANNUAL BUDGET; STATE REIMBURSEMENTS**

Annually, on or before a date designated by the state board of education, each county board of education shall prepare a budget of operating expenses for the ensuing year for the county school district on forms prepared and furnished by the state board of education and shall certify the same to the state board of education, together with such other information as the board may require. Such budget shall consist of two parts. Part (A) shall include the cost of the salaries, employer's retirement contributions, and travel expenses of supervisory teachers and special instruction teachers approved pursuant to divisions (D) and (E) of section 3317.05 of the Revised Code by the state board of education. The amount derived from the calculation for such units in part (A) of the county board of education budget shall be the sum of:

(1) The sum of the minimum salaries calculated pursuant to section 3317.13 of the Revised Code, for each approved certificated employee of the county board of education;

(2) **An additional salary allowance proportional to the length of the extended term of service not to exceed two months for each supervisory and child study teacher whose term of service in any year is extended beyond the terms of service of regular classroom teachers;**

(3) The required per cent of the total approved salary allowance allocated, for the employer's contribution to the teachers' retirement fund pursuant to sections 3307.53 and 3307.54 of the Revised Code;

(4) An allowance for necessary travel expense, for each of the personnel approved in part (A) of the budget, limited to sixty dollars per month, or six hundred dollars per year per person employed, whichever is the lesser. Part (B) shall include the cost of all other lawful expenditures of the county board of education. The state board of education shall review such budget and may approve, increase, or decrease such budget.

The county board of education shall be reimbursed by the state board of education from state funds for the cost of part (A)

of the budget. The county board of education shall be reimbursed by the state board of education from state funds for the cost of part (B) of the approved budget which is in excess of six dollars times the total number of pupils under the board's supervision certified under section 3317.03 of the Revised Code, for all the local school districts within the limits of such county school district. The cost of part (B) not in excess of six dollars times the number of such pupils shall be apportioned by the state board of education among the local school districts in the county school district on the basis of the total number of such pupils in each such school district.

If part (B) of the budget is in excess of that approved by the state board of education, such excess cost shall be apportioned by the state board of education among the various school districts in the county school district on the basis of the total number of such pupils in each such school district, provided that a majority of the boards of education of such local school districts approve such apportionment. The state board of education shall initiate and supervise the procedure by which the local boards shall approve or disapprove such apportionment.

The amounts so apportioned shall be certified to the clerks of the various school districts and in the case of each district such amount shall be deducted by the state board of education from funds allocated to the district under section 3317.02 of the Revised Code.

The state board of education shall certify to the auditor of state the total of such deductions of the districts of the county school district; whereupon the auditor of state shall issue his warrant in such amount on the treasurer of state in favor of the county board of education of each county, to be deposited to the credit of a separate fund, hereby created, to be known as the "county board of education fund."

Special education units for deaf, blind, emotionally disturbed, crippled, neurologically handicapped, and educable mentally retarded may be operated by a county board of education which shall be eligible for funding under division (C) (3) of section 3317.02 of the Revised Code.

Every local school district shall be provided supervisory services by its county board of education as approved by the state board of education by not to exceed one supervisory teacher for the first fifty classroom teachers calculated under division (A) (5) of section 3317.02 of the Revised Code and one supervisory teacher for every additional one hundred such classroom teachers so cal-

culated. Reimbursement for such supervisory services shall be a deduction by the state board of education from the payment to the local school district under section 3317.02 of the Revised Code. Such deduction shall be apportioned among local school districts within the county by the state board of education on the basis of the total number of pupils in each local district.

Section 3317.13 **SALARY SCHEDULE FOR TEACHERS**

(A) As used in this section, "years of service" includes the following:

(1) All years of teaching service in the same school district, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(2) All years of teaching service in another public school regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract; and

(3) All years of active military service in the armed forces of the United States, as defined in section 3307.02 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(B) No teacher employed by any board of education shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all years of the teacher's teaching service included in subdivisions (1), (2), and (3) of division (A) of this section; except that any school district employing a teacher new to the district shall grant such teacher a total of not more than ten years of service pursuant to subdivisions (2) and (3) of division (A) of this section.

Upon written complaint to the superintendent of public instruction that the board of education of a district has failed or refused to annually adopt a salary schedule or to pay salaries in accordance with the salary schedule set forth in division (C) of this section, the superintendent of public instruction shall cause to be made an immediate investigation of such complaint. If the superintendent finds that the conditions complained of exist, he shall order the board to correct such conditions within ten days from the date of the finding. No moneys shall be distributed to the district under Chapter 3317. of the Revised Code until the superintendent has satisfactory evidence of the board of education's full compliance with such order.

Each teacher employed by a board of education in a school district shall be fully credited with placement in the appropriate academic training level column in the salary schedule of the district with years of service properly credited pursuant to this section or section 3317.14 of the Revised Code. No rule or regulation shall be adopted or exercised by any board of education which restricts the placement or the crediting of annual salary increments for any teacher according to the appropriate academic training level column.

(C) On July 1, 1972, minimum salaries exclusive of retirement and sick leave for teaching personnel employed in the public schools shall be as follows:

Years of Service	Teachers with less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher	
	PER CENT	DOLLAR AMOUNT*	PER CENT	DOLLAR AMOUNT*	PER CENT	DOLLAR AMOUNT*	PER CENT	DOLLAR AMOUNT*
0	86.5	$5,536.00	100.0	$6,400.00	103.8	$6,643.20	109.5	$ 7,008.00
1	90.0	5,760.00	103.8	6,643.20	108.1	6,918.40	114.3	7,315.20
2	93.5	5,984.00	107.6	6,886.40	112.4	7,193.60	119.1	7,622.40
3	97.0	6,208.00	111.4	7,129.60	116.7	7,468.80	123.9	7,929.60
4	100.5	6,432.00	115.2	7,372.80	121.0	7,744.00	128.7	8,236.80
5	104.0	6,656.00	119.0	7,616.00	125.3	7,859.20	133.5	8,544.00
6	104.0	6,656.00	122.8	7,859.20	129.6	8,294.40	138.3	8,851.20
7	104.0	6,656.00	126.6	8,102.40	133.9	8,569.60	143.1	9,158.40
8	104.0	6,656.00	130.4	8,345.60	138.2	8,844.80	147.9	9,465.60
9	104.0	6,656.00	134.2	8,588.80	142.5	9,120.00	152.7	9,772.80
10	104.0	6,656.00	138.0	8,832.00	146.8	9,395.20	157.5	10,080.00
11 and more	104.0	6,656.00	141.8	9,075.20	151.1	9,670.40	162.3	10,387.20

*Dollar amounts represent the corresponding percentage multiplied by six thousand four hundred dollars.

For purposes of determining the minimum salary at any level of training and service, the base of one hundred percent shall be six thousand four hundred dollars.

As used in this section, "five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.

For purposes of this section, all credited training shall be from a recognized college or university.

Section 3317.15 CALCULATION OF AID FOR SCHOOL DISTRICTS

The form used to calculate the aid for each school district shall be as follows:

ADM

1. _____Kindergarten x $300 (Exclude ADM Line 12) $_____
2. _____Grades 1-12 x $600 (Exclude FTE and ADM Lines 11 and 12, and include twenty-five percent of districts' pupils attending a joint vocational school district) $_____
3. **Approved child study, occupational or physical therapy, speech and hearing, supervisors and coordinators of special education units, (units) _____ (salary allowances + 15% + $600)** $_____
4. **Approved extended service** $_____
5. _____Adjustments for number, training, and experience of teachers and for the employment of sufficient educational service personnel $_____
6. Total basic program cost (Sum of amounts on lines 1, 2, 3, 4, and 5 $_____
7. 22½ mills x tax valuation of $_____ $_____
8. State share basic program cost (line 6, minus line 7) $_____
9. Minimum state support for basic program (Total ADM lines 1 and 2 minus ½ kindergarten line 1 x the amount per pupil used under division (B) of section 3317.02 of the Revised Code $_____
10. Basic state support (Larger of lines 8 and 9) $_____
11. Approved vocation units (FTE) _____ (Units) _____ (Salary allowances + 15% + $4,000 per unit) $_____
12. **Approved DBECN and EMR Classes, ADM_____ (Classes)_____ (Salary Allowances + 15% + $4,000) $_____** $_____
13. Approved transportation $_____
14. Municipal overburden (ADM x $25 for districts equal to or exceeding 70,000 ADM having 20% of ADM receiving ADC; ADM x $20 for districts equal to or exceeding 20,000 ADM and for districts contiguous to districts having 20,000 ADM or more with more than 50% educationally disadvantaged enrollment) $_____
15. Nonpublic pupil aid-grants and auxiliary services $_____
16. Total special program and transportation costs (Sum of lines 11, 12, 13, 14, and 15) $_____
17. Total support calculation (sum of lines 10 and 16) $_____
18. Minimum state support (State support fiscal 1971) $_____
19. Other guarantees (specify) $_____
20. Total state support (larger of lines 17, 18, or 19) $_____

PART III

ATTENDANCE

Section 3316.66 **SUSPENSION OR EXPULSION**

The superintendent of schools of a city or exempted village, the executive head of a local school district, or the principal of a public school may suspend a pupil from school for not more than ten days. Such superintendent or executive head may expel a pupil from school. Such superintendent, executive head, or principal shall within twenty-four hours after the time of expulsion or suspension, notify the parent or guardian of the child, and the clerk of the board of education in writing of such expulsion or suspension including the reasons therefor. The pupil or the parent, or guardian, or custodian of a pupil so expelled may appeal such action to the board of education at any meeting of the board and shall be permitted to be heard against the expulsion. At the request of the pupil, or his parent, guardian, custodian, or attorney, the board may hold the hearing in executive session but may act upon the expulsion only at a public meeting. The board may, by a majority vote of its full membership, reinstate such pupil. No pupil shall be suspended or expelled from any school beyond the current semester.

Section 3321.01 **COMPULSORY SCHOOL AGE**

A child between six and eighteen years of age is "of compulsory school age" for the purpose of sections 3321.01 to 3321.13, inclusive, of the Revised Code. The compulsory school age of a child shall not commence until the beginning of the term of such schools, or other time in the school year fixed by the rules of the board of the district in which he resides. In 1967 and 1968, no child is eligible to be admitted to the first grade of a public school in a district in which all children are admitted to the first grade in August or September unless he is six years of age on or before the thirty-first day of October of the year of admittance unless the board of education by resolution designates an earlier date within the year of admittance or on or before the first day of a term or semester other than one beginning in August or September in school districts granting admittance at the beginning of such term or semester, except that in those school districts using, or obtaining, educationally accepted standardized testing programs for determining entrance, as approved by the board of education of such districts, such boards shall admit a child to the first grade who fails to meet the age requirement, provided the child meets necessary

standards as determined by such standardized testing programs. If the board of education has not established a standardized testing program for such school districts, the board shall designate the necessary standards and a testing program it will accept for the purpose of admitting a child to the first grade who fails to meet the age requirement. Each child who will be six years of age on or before the first day of January of the school year for which admission is requested shall be so tested upon the request of his parent or guardian.

Beginning in 1969, no child is eligible to be admitted to the first grade of a public school in a district in which all children are admitted to the first grade in August or September unless he is six years of age on or before the thirtieth day of September of the year of admittance or on or before the first day of a term or semester other than one beginning in August or September in school districts granting admittance at the beginning of such term or semester, except that in those school districts using or obtaining educationally accepted standardized testing programs for determining entrance, as approved by the board of education of such districts, the board shall admit a child to the first grade who fails to meet the age requirement, provided the child meets necessary standards as determined by such standardized testing programs. Each child who will be six years of age on or before the first day of January of the school year for which admission is requested shall be so tested upon the request of his parent or guardian.

Section 3321.02 **WHO AMENABLE TO COMPULSORY EDUCATION LAWS**

Every child actually resident in the state shall be amenable to the laws relating to compulsory education, and neither he nor the person in charge of him shall be excused from the operation of said sections or the penalties under them on the ground that the child's residence is seasonal, that the parent of the child is a resident of another state, or that the child has attended school for the legal period in another state.

Section 3321.03 **COMPULSORY SCHOOL ATTENDANCE**

Except as provided in this section, the parent, guardian, or other person having the care of a child of compulsory school age which child has not been determined to be incapable of profiting substantially by further instruction shall cause such child to attend a school which conforms to the minimum standards prescribed by the state board of education for the full time the school attended is in session, or shall otherwise cause him to be instructed

in accordance with law. Every child of compulsory school age who has not been determined to be incapable of profiting substantially by further instruction shall attend a school which conforms to the minimum standards prescribed by the state board of education until one of the following occurs:

(A) The child receives a diploma granted by the board of education or other governing authority indicating such child has successfully completed the high school curriculum.

(B) The child receives an age and schooling certificate as provided in section 3331.01 of the Revised Code.

(C) The child is excused from school under standards adopted by the state board of education pursuant to section 3321.04 of the Revised Code.

Section 3321.04 **COMPULSORY ATTENDANCE**

Every parent, guardian, or other person having charge of any child of compulsory school age who is not employed under an age and schooling certificate and who has not been determined to be incapable of profiting substantially by further instruction, must send such child to a school, whihc conforms to the minimum standards prescribed by the state board of education, for the full time the school attended is in session, which shall not be for less than thirty-two weeks per school year. Such attendance must begin within the first week of the school term or within one week of the date on which the child begins to reside in the district or within one week after his withdrawal from employment.

For the purpose of operating a school on a trimester plan, "full time the school attended in session," as used in this section, means the two trimesters to which the child is assigned by the board of education. For the purpose of operating a school on a quarterly plan, "full time the school attended is in session," as used in this section, means the three quarters to which the child is assigned by the board of education. For the purpose of operating a school on a pentamester plan, "full time the school is in session," as used in this section, means the four pentamesters to which the child is assigned by the board of education.

Excuses from future attendance at or past absence from school may be granted for the causes, by the authorities, and under the following conditions:

(A) The superintendent of schools of the district in which the child resides may excuse him from attendance for any part of the remainder of the current school year upon satisfactory showing of either of the following facts:

(1) That his bodily or mental condition does not permit his attendance at school during such period;

(2) That he is being instructed at home by a person qualified to teach the branches in which instruction is required, and such additional branches, as the advancement and needs of the child may, in the opinion of such superintendent, require. In each such case the issuing superintendent shall file in his office, with a copy of the excuse, papers showing how the inability of the child to attend school or the qualifications of the person instructing the child at home were determined. All such excuses shall become void and subject to recall upon the removal of the disability of the child or the cessation of proper home instruction; and thereupon the child or his parents, guardians, or other persons having him in charge may be proceeded against after due notice whether such excuse be recalled or not.

(B) The state board of education may adopt rules and regulations authorizing the superintendent of schools of the district in which the child resides to excuse a child over fourteen years of age from attendance for a future limited period for the purpose of performing necessary work directly and exclusively for his parents or legal guardians.

All excuses provided for in divisions (A) and (B) of this section shall be in writing and shall show the reason for excusing the child. A copy thereof shall be sent to the person in charge of the child.

(C) The board of education of the city, exempted village, or county school district in which a public school is located or the governing authorities of a private or parochial school may in the rules and regulations governing the discipline of such schools, prescribe the authority by which and the manner in which any child may be excused for absence from such school for good and sufficient reasons.

The state board of education may by rules and regulations prescribe conditions governing the issuance of excuses which shall be binding upon the authorities empowered to issue them.

Section 3321.05 DETERMINATION OF CAPACITY OF CHILD; RECORD; SUPERVISION OF INCAPABLE CHILDREN

A child of compulsory school age may be determined to be incapable of profiting substantially by further instruction.

The state board of education may prescribe standards and examinations or tests by which such capacity may be determined

and prescribe and approve the agencies or individuals by which they shall be applied and conducted; but the capacity of a child to benefit substantially by further instruction shall be determined with reference to that available to the particular child in the public schools of the district in which he resides, and no child shall be determined to be incapable of profiting substantially by further instruction if the superintendent of public instruction, pursuant to board standards, finds that it is feasible to provide for him in such district, or elsewhere in the public school system, special classes or schools, departments of special instruction or individual instruction through or by which he might profit substantially, according to his mental capacity as so determined. In prescribing, formulating, applying, and giving such standards, examinations or tests, the state board of education may call for assistance and advice upon any other department or bureau of the state, or upon any appropriate department of any university supported wholly or partly from state appropriations.

The result of each examination or test made with the recommendation of the agency or individual conducting the same, shall be reported to the superintendent of public instruction, who, subject to board standards, may make the determination authorized in this section. If a child is determined to be incapable of profiting substantially by further instruction, such determination shall be certified by the superintendent of public instruction to the superintendent of schools of the district in which he resides, who shall place such child under the supervision of a visiting teacher or of any attendance officer, to be exercised as long as such child is of compulsory school age. The superintendent of public instruction shall keep a record of the names of all children so determined to be incapable of profiting substantially by further instruction and a like record of all such children residing in any school district shall be kept by the superintendent of schools of such district. Upon request of the parents, guardians, or persons having the care of such child whose residence has been changed to another school district the superintendent of schools shall forward a card showing the status of such child as so determined to the superintendent of schools of the district to which the child has been moved.

Any determination made under this section may be revoked by the state board of education for good cause shown.

A child determined to be incapable of profiting substantially by further instruction shall not hereafter be admitted to the public schools of the state while such determination remains in force.

PART IV

RELATED LAWS

Section 3313.55 **SCHOOLS FOR TUBERCULAR PERSONS**

The board of education of any school district may establish such special schools as it deems necessary for all persons who are afflicted with tuberculosis, and may cause all youth, within such district, so afflicted, to be excluded from the regular schools, and may provide for and pay from the school funds, the expense of transportation of such persons to and from such special schools. The board of any school district in which is located a state, district, county, or municipal hospital for children with tuberculosis or epilepsy or any public institution, except state institutions for the care and treatment of delinquent, unstable, or socially maladjusted children, shall make provision for the education of all educable children therein; except that in the event another school district within the same county or an adjoining county is the source of sixty per cent or more of the children in said hospital or institution, the board of that school district shall make provision for the education of all the children therein. In any case the board which provides the educational facilities shall be entitled to all moneys authorized for the attendance of pupils as provided in section 3317.02 and 3317.06 of the Revised Code; and tuition as provided in section 3317.08 of the Revised Code; and such additional compensation as is provided for crippled children in sections 3323.01 and 3323.12, inclusive, of the Revised Code. **Any board which provides the educational facilities for children in county or municipal institutions established for the care and treatment who are delinquent, unstable, or socially maladjusted shall not be entitled to any moneys provided for crippled children in sections 3323.01 to 3323.12, inclusive, of the Revised Code.**

Section 3313.92 **JOINT BUILDING PROJECTS, INCLUDING SCHOOLS FOR HANDICAPPED CHILDREN**

(A) The boards of education of any two or more school districts may, subject to the approval of the superintendent of public instruction, enter into agreements for the joint or co-operative constructive acquisition, or improvement of any building, structure or facility benefiting the parties thereto, including, without limitation, schools and classrooms for the purpose of Chapter 3323. of the Revised Code, and for the management, operation, occupancy, use, maintenance, or repair thereof, or for the joint or co-

operative participation in programs, projects, activities, or services in connection with such buildings, structures, or facilities.

(B) Any agreement entered into under authority of this section shall, where appropriate, provide for:

(1) The method by which the building, structure, or facility shall be constructed, acquired, or improved and by which it shall be managed, occupied, maintained, and repaired, and specifically a designation of one of the boards of education to take and have exclusive charge of any and all details of construction, acquisition, or improvement, including any advertising for bids and the award of any construction or improvement contract pursuant to the law applicable to such board of education;

(2) The manner in which the title to the buildings, structures, or facilities, including the sites and interests in real estate necessary therefor, is to be held by one or more of such boards of education;

(3) The management or administration of any such programs, projects, activities, services, or joint exercise of powers, which may include management or administration by one of said boards of education;

(4) The manner of apportionment or sharing of all of the costs, or specified classes of costs, including without limitation costs of planning, construction, acquisition, improvement, management, operation, maintenance, or repair of such buildings, structures, or facilities, or of planning and conducting such programs or projects, or obtaining such services, which apportionment or sharing may be based on fixed amounts, or on ratios or formulas, or effected through tuitions to be contributed by the parties or in such manner therein provided.

(C) Any agreement entered into under authority of this section may provide for:

(1) An orderly process for making determination as to planning, execution, implementation, and operation, which may include provisions for a committee, board, or commission, and for representation thereon;

(2) Securing necessary personnel, including participation of teachers and other personnel from the respective school districts;

(3) Standards or conditions for the admission or participation of students and others, including students from other school districts;

(4) Conditions for admittance of other school districts to participation under the agreement;

(5) Fixing or establishing the method of determining special charges to be made for particular services or materials.

(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from the agreement, and the term of the agreement or an indefinite term;

(7) Designation of the applicants for or recipients of any state, federal, or other aid, assistance, or loans available by reason of any activities conducted under the agreement;

(8) Designation of one or more of the participating boards of education to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement, including without limitation those required under sections 3301.14, 3313.50, 3319.32 to 3319.37, inclusive, 3321.12, 3323.08, and 3323.13 of the Revised Code;

(9) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section.

(D) For the purpose of paying or contributing its share under an agreement made under this section, a board of education may:

(1) Appropriate any moneys from its general fund, and from any other funds not otherwise restricted by law, including funds for permanent improvements of such board of education where the contribution is to be made toward the cost of permanent improvements under the agreement;

(2) Issue bonds, and notes in anticipation thereof, under sections 133.01 to 133.65, inclusive, and section 3311.20 of the Revised Code for any permanent improvement, as defined in section 133.01 of the Revised Code, to be provided under such agreement;

(3) Levy taxes, and issue notes in anticipation thereof, under Chapters 3311. and 5705. of the Revised Code pertaining to such board of education, provided that the purpose of such levy may include the provision of funds for either or both permanent improvements and current

operating expenses required as the share of such board of education under such agreement;

(4) Contribute real and personal property for use under such agreement without necessity for competitive bidding on disposition of such property.

(E) Funds provided by the parties to an agreement entered into under this section, whether by appropriation, the levy of taxes, the issuance of bonds or notes, or otherwise, shall be transferred to and placed in a separate fund or funds of such participating board of education as is designated for such purpose under the agreement, shall be appropriated to and shall be applied for the purposes provided in such agreement, and shall be subject to audit and inspection and, pursuant to any determinations to be made as provided under such agreement, shall be deposited, invested and disbursed under the provisions of law applicable to the board of education in whose custody said funds are held; and the records and reports of such boards of education under Chapter 117. of the Revised Code with respect to said funds shall be sufficient without necessity for reports thereon by the other boards of education participating under such agreement.

(F) As used in this section, "construction, acquisition, or improvement of any building, structure, or facility" also includes acquisition of real estate and interest in real estate therefor, site improvements, and furniture, furnishings, and equipment therefor. Buildings, structures, or facilities constructed, acquired, or improved under this section may, subject to the agreement be used for any lawful purpose by each party so long as the use thereof is an authorized proper use for that party.

(G) Any agreement entered into under this section shall be subject to any laws hereafter enacted making express reference therein to this section and requiring the transfer of any functions exercised or properties held under such agreement to any public officer, board, or body heretofore or hereafter established, or requiring the termination of such agreement, or otherwise affecting the same.

(H) The powers granted in this section are supplementary to, and not in derogation of or restriction upon, all other powers of boards of education of school districts, and are to be liberally construed to permit the achievement of the objectives of this section and to permit the boards of education to take advantage of federal grant and loan programs, provided that the exercise of such powers shall be subject to such inspection and regulation as would be ap-

plicable if exercised under any other provision of the Revised Code.

Section 3319.01 APPOINTMENT AND DUTIES OF SUPERINTENDENT

The board of education in each county, city, and exempted village school district shall, at a regular meeting held not later than the first day of May of the calendar year in which the term of the superintendent expires, appoint a person possessed of the qualifications provided in this section, to act as superintendent of the public schools of the district, for a term not longer than five years beginning the first day of August and ending on the thirty-first day of July. Such superintendent is, at the expiration of his current term of employment, deemed re-employed for a term of one year at the same salary plus any increments that may be authorized by the board of education, unless such board, on or before the first day of March of the year in which his contract of employment expires, either re-employs the superintendent for a succeeding term or gives the superintendent written notice of its intention not to re-employ him. If the superintendent is employed on a continuing contract, the board may, by resolution, designate that he is to continue for a term not to exceed five years, and he may not be transferred to any other position during such term. If a vacancy occurs in the office of superintendent during the term of his employment, the board promptly shall appoint a superintendent for a term not to exceed five years from the next preceding first day of August.

The board of education may at any regular meeting held during the calendar year immediately preceding the year of expiration of the term of employment of a superintendent of the public schools, re-employ such superintendent for a succeeding term for not longer than five years, beginning on the first day of August immediately following the expiration of his current term of employment and ending on the thirty-first day of July of the year in which such succeeding term expires. No person shall be appointed to the office of superintendent who is not possessed of a certificate of the superintendent type, as defined in section 3319.22 of the Revised Code, unless such person had been employed as a county, city, or exempted village superintendent prior to August 1, 1939. At the time of making such appointment or designation of term, such board shall fix the compensation of the superintendent, which may be increased or decreased during such term, provided such decrease is a part of a uniform plan affecting salaries of all

employees of the district, and shall execute a written contract of employment with such superintendent.

Such superintendent shall be the executive officer for the board, direct and assign teachers and other employees of the schools under his supervision, except as provided in section 3319.04 of the Revised Code, assign the pupils of the schools under his supervision to the proper schools and grades, provided that the assignment of a pupil to a school outside of his district of residence is approved by the board of the district of residence of such pupil, and perform such other duties as the board determines.

Section 3319.088 **EDUCATIONAL AIDES**

As used in this section "educational aide" means any non-teaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a certificate issued pursuant to sections 3319.22 to 3319.30, inclusive, of the Revised Code is not required.

The state board of education shall issue educational aide permits and shall establish regulations and fees for the issuance of such permit which shall be consistent with the provisions of this section. The fees for the issuance of such permits shall not exceed two dollars for each permit. Educational aide permits may be of several types and the regulations shall prescribe the minimum qualifications of education, health, and character for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit.

Educational aides shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational aides may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the teacher to whom the aid is assigned, may be performed by a person not certificated pursuant to sections 3319.22 to 3319.30, inclusive, of the Revised Code and for which a teaching certificate, issued pursuant to sections 3319.22 to 3319.30, inclusive, of the Revised Code is not required. The duties of an educational aide shall not include the assignment of grades to pupils. The duties of an educational aide need not be performed in the physical presence of the teacher to whom assigned, but the activity of an educational aide shall at all times be under the direction of the teacher to whom assigned. The as-

signment of an educational aide need not be limited to assisting a single teacher. In the event an educational aide is assigned to assist more than one teacher the assignments shall be clearly delineated and so arranged that the educational aide shall never be subject to simultaneous supervision or direction by more than one teacher.

Educational aides assigned to supervise children shall, when the teacher to whom assigned is not physically present, maintain the degree of control and discipline which would be maintained by the teacher, but an educational aide may not render corporal punishment.

Educational aides may not be used in place of classroom teachers or other certificated employees and any payment of compensation by boards of education to educational aides for such services is prohibited. The ratio between the number of certificated teachers and the pupils in a school district may not be decreased by utilization of educational aides and no grouping, or other organization of pupils, for utilization of educational practices and procedures. A school district may employ up to one full time equivalent educational aide for each six full time equivalent certificated employees of the district. Educational aides shall not be counted as certificated employees for purposes of state support in the school foundation program and no grouping or regrouping of pupils with educational aides may be counted as a class or unit for school foundation program purposes. Neither special courses required by the regulations of the state board of education, prescribing minimum qualifications of education for an educational aide, nor years of service as an educational aide shall be counted in any way toward qualifying for a teacher certificate, for a teacher contract of any type, or for determining placement on a salary schedule in a school district as a teacher.

Educational aides employed by a board of education shall have all rights, benefits, and legal protection available to other nonteaching employees in the school district, except that provisions of sections 143.01 to 143.48, inclusive, of the Revised Code shall not apply to any person employed as an educational aide, and shall be members of the school employees retirement system, educational aides shall be compensated according to a salary plan adopted annually by the board.

Except as provided in this section nonteaching employees shall not serve as educational aides without first obtaining an appropriate educational aide permit from the state board of education. A nonteaching employee who is the holder of a valid educa-

tional aide permit shall neither render nor be required to render services inconsistent with the types of services authorized by the permit held. No person shall receive compensation from a board of education for services rendered as an educational aide in violation of this provision.

Nonteaching employees whose functions are solely secretarial-clerical and who do not perform any other duties as educational aides even though they assist a teacher and work under the direction of a teacher shall not be required to hold a permit issued pursuant to this section. Students preparing to become certificated teachers or educational aides shall not be required to hold an educational aide permit for such periods of time as such students are assigned, as part of their training program, to work with a teacher in a school district, such students shall not be compensated for such services.

Following the determination of the assignment and general job description of an educational aide and subject to supervision by the teacher's immediate administrative officer, a teacher to whom an educational aide is assigned shall make all final determinations of the duties to be assigned to such aide. Teachers shall not be required to hold a supervisory or administrative certificate in order to perform the necessary supervision of educational aides.

No person who is, or who has been employed as an educational aide shall divulge except to the teacher to whom assigned, or the administrator of the school in the absence of the teacher to whom assigned, or when required to testify in a court or proceeding, any personal information concerning any pupil in the school district which was obtained or obtainable by the educational aide while so employed. Violation of this provision is grounds for disciplinary action or dismissal, or both.

Section 3325.01 **SUPERVISION OF STATE SCHOOLS; APPOINTMENT OF SUPERINTENDENTS**

The state school for the deaf and the state school for the blind shall be under the control and supervision of the state board of education. On the recommendation of the superintendent of public instruction, the state board of education shall appoint a superintendent for the state school for the deaf and a superintendent for the state school for the blind, each of whom shall serve at the pleasure of the state board.

Section 3325.011 **ADMISSION TO SCHOOL FOR THE DEAF; EXPENSES PAID FOR BLIND AND DEAF CHILDREN**

Subject to the regulations adopted by the state board of educa-

tion, the state school for the deaf shall be open to receive persons who are deaf, partially deaf, and both blind and deaf residents of this state, who, in the judgment of the superintendent of public instruction and the superintendent of the school for the deaf, due to such handicap, cannot be educated in the public school system and are suitable persons to receive instructions according to the methods employed in such school. The superintendent of the school for the deaf may pay the expenses necessary for the instruction of children who are both blind and deaf, who are resident of this state, in any suitable institution.

Section 3325.02 ADMISSION TO SCHOOL FOR THE BLIND

Subject to the regulations adopted by the state board of education, the state school for the blind shall be open to receive such blind and partially blind persons, residents of this state, who, in the judgment of the superintendent of public instruction and the superintendent of the school for the blind, due to such handicap, cannot be educated in the public school system and are suitable persons to receive instructions according to the methods employed in such school.

Section 3325.03 RETURN OF PUPIL TO PARENTS

The superintendent of the state school for the deaf or the superintendent of the state school for the blind may return to its parents, guardian, or proper agency any pupil under his jurisdiction, who, in the opinion of such superintendent and the superintendent of public instruction, is not making sufficient progress in its school or industrial work to justify its continuance as a pupil in such school.

Section 5127.04 DUTIES OF THE COUNTY BOARD OF MENTAL RETARDATION

The county board of mental retardation which during the school year has administered and supervised, pursuant to the provisions of section 5127.01 of the Revised Code, a training center for mentally retarded shall prepare a statement for each person under twenty-one years of age who has received such training, such statement to show the name of the person, the name of the school district in which the person is a school resident, the name of the board providing the training, and the number of months the person received training. Not later than the thirtieth day of June the board shall forward a certified copy of such statement to the clerk of the board of education of the school district in which the person is a school resident and shall forward a certified

copy of such statement to the commissioner of mental hygiene. Within thirty days after the receipt of such statement the board of education shall pay to the county board of mental retardation submitting the statement an amount equal to the computed amount of tuition that would be due the school district receiving the statement if a nonresident pupil attending the schools of such district for the same period of time that the mentally retarded person attended the training center, such amount to be computed in the manner prescribed by Section 3317.08 of the Revised Code.